

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>UNITED STATES OF AMERICA</b>	<b>:</b>	
<b>v.</b>	<b>:</b>	<b>13-M-147</b>
<b>MICHAEL PRIVETT,</b>	<b>:</b>	
<b>a/k/a "Maniac"</b>		

**GOVERNMENT'S MOTION FOR PRETRIAL DETENTION**

**I. Introduction**

MICHAEL PRIVETT, a/k/a "Maniac," is the local Warlord of the Outlaws Motorcycle Gang, a notorious and violent criminal organization. The job of the Warlord is to enforce discipline in the gang. PRIVETT was also involved in a large-scale methamphetamine distribution operation with other members of the Outlaws. When the FBI seized two pounds of methamphetamine through the use of a confidential informant ("CI #1"), PRIVETT and other Outlaw members threatened CI #1's life and the lives of his family members. Specifically, PRIVETT left CI #1 a message which chillingly listed what PRIVETT believed to be the addresses of CI #1's wife and daughter and then stated, "I want my money. Your whole family is going to be in danger if not." In substance, PRIVETT performed his duty as "Warlord". Because no condition or combination of conditions will reasonably the appearance of the defendant at trial or assure the safety of the community, the government moves pursuant to 18 U.S.C. § 3142 for pretrial detention of the defendant.

## **II. Discussion**

### **A. Evidence**

RONALD SELLS is the local President of the Outlaws Motorcycle Gang. MICHAEL PRIVETT is the Warlord or enforcer for the gang. Unbeknownst to SELLS and PRIVETT, the FBI managed to infiltrate this gang through the use of a confidential informant (hereinafter CI #1) who pretending to be a prospective member of the club with connections to methamphetamine traffickers. On January 17, 2013, SELLS met with CI #1 and gave him approximately two pounds of methamphetamine to distribute. SELLS instructed the CI #1, “we need money. We gotta get with your guy and move this stuff.” Based on these comments, CI #1 agreed to store and then sell the drugs for SELLS. CI #1 then turned that methamphetamine over to the FBI. A field test determined that the substance was in fact methamphetamine and weighed approximately 800 grams.

Over the next two weeks, CI #1 remained in phone contact with SELLS and PRIVETT to discuss the potential sale of this methamphetamine and payment. These phone conversations have been recorded by the FBI. SELLS was eventually arrested on January 31, 2013 when he met with CI #1 to receive the proceeds from the sale of the methamphetamine.

After SELLS was arrested, PRIVETT began to threat CI #1. On February 1, 2013, PRIVETT called CI #1 and threatened to steal his motorcycles if he did not get paid for the drugs. PRIVETT also ominously threatened to “take people apart”. Specifically, PRIVETT stated in the voicemail:

“Hello . . . hello . . . hello. Now I don’t got time for games, man. You want your bikes back, you need to come up with my money. Can’t get ahold of Bugs

[RONALD SELLS]. Guess I have to start taking people apart, that's all. See you around."

Later that afternoon, at 3:50 p.m., an associate of PRIVETT left the following message for CI #1:

"You can believe one thing. You can fuck with me all you want to but motherfucker, trust me, your whole family is in danger. Fuck you."

At 8:04 p.m., PRIVETT called CI #1 back and stated:

"23 [Street Name]. 4 [Street Name]. I'll have the address for your son's house in Florida this week. I got the tag numbers, I got your bike, I got your trailer. I want my money. Your whole family is going to be in danger if not. You need to pick up the fucking phone. You're supposed to meet Bugs [RONALD SELLS] today, now he's not answering the phone either. As far as I'm concerned, both you all in the same boat."

The addresses left on this phone were what PRIVETT believed to be addresses for CI #1's relatives - a clear threat to CI #1 and/or his family. The criminal complaint was subsequently issued to arrest PRIVETT. After he was arrested by the FBI, PRIVETT acknowledged that he had left the threatening voicemails for CI #1.

**B. Maximum Penalties**

PRIVETT is presently charged in a Criminal Complaint with attempting to collect an extension of credit by extortionate means in violation of 18 U.S.C. § 894(a)(1). The maximum punishment for this offense is 20 years in prison, 3 years of supervised release, a \$250,000 fine, and a \$100 special assessment. If he is indicted on the methamphetamine trafficking conspiracy, the criminal penalties increase significantly.

**C. Criminal Record**

PRIVETT has a lengthy criminal record for violence. In May 2003, PRIVETT was

convicted of assault in Harford County, Maryland. In July 2004, PRIVETT was again charged with assault but convicted of malicious destruction of property. In September 2004, PRIVETT was convicted of assault. In February 2009, PRIVETT pleaded guilty to possession of a controlled substance. In August 2009, PRIVETT was convicted of “accessory after the fact” although the NCIC report did not give further details.

**D. Community Ties**

PRIVETT lives in Maryland. It does not appear that he has any legitimate ties to this district. He is not presently working and apparently has been out on disability for the past few weeks. The Outlaws have chapters across the United States. In other cases, motorcycle gangs of this nature are known to harbor fugitives from other districts.

**III. CONCLUSION**

PRIVETT is the Warlord of a violent and organized motorcycle gang who attempted to extort an FBI confidential informant. PRIVETT threatened the life of the informant and his family. He is a demonstrated danger to the community and a flight risk. For these reasons, the government respectfully submits that its Motion for Defendant's Pretrial Detention should be granted.

Respectfully submitted,  
ZANE DAVID MEMEGER  
United States Attorney

/s/  
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ROBERT J. LIVERMORE  
Assistant United States Attorney

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**PRETRIAL DETENTION ORDER**

AND NOW, this       day of February 2013, after an evidentiary hearing and argument of counsel for the government and the defendant, the Court finds that:

- (a)     the government has proved by a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required; and
- (b)     the government has proved by clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of other persons and the community, as required by Title 18, United States Code, Section 3142(e).

The Court makes the following findings of fact:

This case is appropriate for detention under Title 18, United States Code, Section 3142(e) because:

- 1.       There is probable cause to believe that the defendant has violated 18 U.S.C. § 894(a)(1).
- 2.       The evidence in this case is strong. The FBI recorded a series of phone calls in which PRIVETT threatened FBI confidential informant and his family for failing to

pay a drug debt.

3. The total maximum statutory penalty defendant faces is 20 years in prison.

4. The defendant has a criminal record including several prior assault convictions.

Therefore, IT IS ORDERED that the defendant be committed to the custody of the Attorney General for confinement in a correction facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal; that the defendant be afforded reasonable opportunity for private consultation with counsel; and that, on order of a Court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

BY THE COURT:

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HONORABLE LYNNE A. SITARSKI  
United States Magistrate Judge

CERTIFICATE OF SERVICE

I certify that a copy of the Government's Motion for Pretrial Detention, and  
Proposed Order was served on the following defense counsel:

Jeff Lindy, Esq.  
Counsel to Michael Privett

/s/  
ROBERT J. LIVERMORE  
Assistant United States Attorney

Date: February 11, 2013